

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  MIDAMERICAN ENERGY COMPANY	DOCKET NO. GCU-02-1
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**ORDER ACCEPTING FILING AND SETTING PROCEDURAL SCHEDULE**

(Issued September 26, 2002)

On August 14, 2002, MidAmerican Energy Company (MidAmerican), on behalf of itself and as agent for 14 joint owners, filed with the Utilities Board (Board) an application pursuant to Iowa Code chapter 476A for a generating facility certificate to construct and operate a 750 MW coal-fired electric generating facility. MidAmerican filed additional information in support of the application on September 13, 2002.

The proposed facility is called the Council Bluffs Energy Center Unit 4 (CBEC-4) and is located at MidAmerican's existing Council Bluffs Energy Center in Council Bluffs, Iowa. MidAmerican held the informational meeting required by 199 IAC 24.7 on May 15, 2002, on the campus of Iowa Western Community College in Council Bluffs.

MidAmerican will construct, operate, and maintain CBEC-4 for itself and the other joint owners. The other joint owners, along with their approximate respective ownership interests, are: Central Iowa Power Cooperative (60 MW), Corn Belt

Power Cooperative (40 MW), the city of Alta (1 MW), the city of Cedar Falls (15 MW), the city of Eldridge (4 MW), the city of Montezuma (3 MW), the city of New Hampton (4 MW), the city of Pella (10 MW), the city of Spencer (8 MW), the city of Sumner (1 MW), the city of Waverly (3 MW), and the city of West Bend (1 MW). All the aforementioned cooperatives and cities are located in Iowa. In addition, the city of Lincoln, Nebraska (100 MW), and the Municipal Energy Agency of Nebraska (50 MW) are joint owners. MidAmerican will own a 450 MW share.

The Board has reviewed MidAmerican's filing and finds that it is in substantial compliance with the Board's filing requirements. Therefore, the Board will accept the filing pursuant to 199 IAC 24.5 and set a procedural schedule.

**IT IS THEREFORE ORDERED:**

1. The application for a generating certificate filed by MidAmerican Energy Company on August 14, 2002, is accepted pursuant to 199 IAC 24.5. The proceeding is identified as Docket No. GCU-02-1.
2. The following procedural schedule is established for this proceeding:
  - a. The Consumer Advocate Division of the Department of Justice and any intervenors shall file prepared direct testimony, with underlying workpapers and exhibits, on or before November 22, 2002.
  - b. MidAmerican shall file rebuttal testimony, with underlying workpapers and exhibits, on or before December 13, 2002.
  - c. The parties shall submit a joint statement of issues on or before December 17, 2002.

d. A hearing in this matter shall commence at 10 a.m. on January 28, 2003, for the purpose of receiving testimony and the cross-examination of all testimony. The hearing shall be held in the Community Hall, 205 South Main Street, Council Bluffs, Iowa. The parties shall appear one-half hour prior to the time of the hearing for the purpose of marking exhibits. Persons with disabilities requiring assistive services or devices to observe or participate should contact the Utilities Board at (515) 281-5256 in advance of the scheduled date to request that appropriate arrangements be made.

3. The Executive Secretary of the Utilities Board shall cause written notice of the acceptance of the application and procedural schedule to be served upon: the Iowa Department of Natural Resources; the Environmental Protection Division of the Iowa Department of Natural Resources; the Iowa Department of Natural Resources, attention Mr. Mike Brandup; the Geological Survey Bureau; the Office of Historical Preservation; the Office of State Archaeologist; the Community Action Agencies Division of the Department of Human Rights; the Iowa Department of Transportation; the U.S. Fish & Wildlife Service; the U.S. Army Corps of Engineers; the city of Council Bluffs, attention Mr. Tom Hanafan, Mayor; the Pottawattamie County Board of Supervisors; and, all owners and lessees of record of real property located within 1,000 linear feet of the proposed site as required by Iowa Code § 476A.4(2)"c," as listed in MidAmerican's application.

4. In accordance with 199 IAC 24.6(1)"c," the Executive Secretary of the Utilities Board directs MidAmerican to cause a notice of the procedural schedule attached as Appendix A to be published in a newspaper of general circulation in Pottawattamie County once each week for two consecutive weeks, with the second publication being no later than 30 days after the date the order is issued.

5. MidAmerican shall file the additional information identified in the order within 15 days of the date of this order or as soon as the information is available.

6. In the absence of objection, all underlying workpapers shall become a part of the evidentiary record of these proceedings at the time the related testimony and exhibits are entered into the record.

7. In the absence of objection, all data requests and responses referred to in oral testimony or on cross-examination that have not been previously filed shall become a part of the evidentiary record of these proceedings. The party making reference to the data request shall file an original and six copies of the data request and response with the Board at the earliest possible time.

8. In the absence of objection, when the Board has called for further evidence on any issue and the evidence is filed after the close of the hearing, the evidentiary record will be reopened and the evidence will become part of the record five days after the evidence is filed with the Board. All evidence filed pursuant to this

paragraph shall be filed no later than seven days after the close of the hearing in this proceeding.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 26<sup>th</sup> day of September, 2002.

OFFICIAL NOTICE  
BEFORE THE IOWA UTILITIES BOARD  
DOCKET NO. GCU-02-1

TO THE CITIZENS OF POTTAWATTAMIE COUNTY:

In accordance with 199 IAC 24.6(1)"c", notice is hereby given that an application for an electric generating facility certificate has been filed by MidAmerican Energy Company. On September 26, 2002, the Iowa Utilities Board (Board) accepted the application in accordance with 199 IAC 24.5(3).

By order dated September 26, 2002, the Board set January 28, 2003, at 10 a.m. in the Community Hall, 205 South Main Street, Council Bluffs, Iowa, as the time and place for commencement of the hearing in this matter. Persons who have been accorded the status of intervenors have the right to appear at the public hearing. Intervenors will be given the opportunity to cross examine the witnesses of any other party, to present witnesses on their own behalf, and to rebut, refute, or reply to all evidence in opposition to the intervenors' stated position. Persons with disabilities requiring assistive services or devices to observe or participate should contact the Utilities Board at (515) 281-5256 in advance of the scheduled date to request that appropriate arrangements be made.

The Board will conduct these proceedings to determine if the application for generating certificate meets the applicable decisional criteria of Iowa Code

§ 476A.6 (2001 Supp.). The proposed facility is located at the site of the Council Bluffs Energy Center, Council Bluffs, Iowa.

Requirements for intervention in the proceeding are contained in 199 IAC 24.6(3)"b" and 24.9(2).

/s/ Judi K. Cooper

Executive Secretary

Dated at Des Moines, Iowa, this 26<sup>th</sup> day of September, 2002.